

Notice of Allowability

Application No.

10/669,776

Examiner

Robert A. Hopkins

Applicant(s)

MALEENY ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application and preliminary amendment filed 9-24-03.
2. ☒ The allowed claim(s) is/are 16-28(renumbered 1-13 respectively).
3. ☒ The drawings filed on 24 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in preliminary amendment filed 7-15-04.

Cancel claims 1-15.

This application is in condition for allowance except for the presence of claims 1-15 to group I in parent application 10/112,119 which were non-elected without traverse. Accordingly, claims 1-15 have been cancelled.

Allowable Subject Matter

Claims 16-28 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 16 recites "an adsorbent panel disposed on the porous filtration medium, wherein the adsorbent panel has a first surface for receiving unfragranced air for passage through the panel and a second surface for releasing fragranced air from the panel, wherein a sustained release fragrance material is disposed on a first portion of the adsorbent panel and a fragrance oil is disposed on a second portion of the adsorbent panel". Vick et al(5547636) teaches an air filtration device comprising a

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frame panel(34), a porous filtration medium(32) disposed within the frame panel, an adsorbent panel(11) disposed on the porous filtration medium, wherein a sustained release fragrance material(12) is disposed on a first portion of the adsorbent panel.

However, Vick et al in column 1 lines 58-60 recites "Fragrant liquid oils are therefore not satisfactory for use in forced air ventilation systems carrying air at significant velocities".

Therefore, Vick et al teaches against a sustained release fragrance material which is disposed on a first portion of the adsorbent panel and a fragrance oil which is disposed on a second portion of the adsorbent panel. Stone et al(4226944) teaches a polyurethane foam containing a fragrance, but does not teach an air filtration medium, and does not teach wherein a sustained release fragrance material is disposed on a first portion of the adsorbent panel and a fragrance oil is disposed on a second portion of the adsorbent panel. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a sustained release fragrance material is disposed on a first portion of the adsorbent panel and a fragrance oil is disposed on a second portion of the adsorbent panel because neither Vick et al(5547636) nor Stone et al(4226944) teaches such a modification. Claims 17-28 depend on claim 16 and hence are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

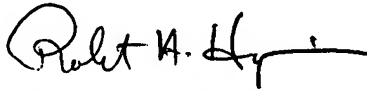
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
April 7, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER
A. U. 1724